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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Joseph Grace,

Plaintiff,

vs.

Jose De la Torre and Jane Doe De la
Torre, a married couple,

Defendants.

Case No.: CV-25-01257-PHX-DWL

**RULE 26(F) JOINT CASE
MANAGEMENT REPORT**

(Assigned to the Honorable Dominic W.
Lanza)

Through undersigned counsel and pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and the Court's "Order Requiring Rule 26(f) Report," ECF No. 7, Plaintiff Joseph Grace ("Plaintiff") and Defendants Jose De la Torre and Jane Doe De la Torre (collectively, "Defendants") hereby jointly submit the Rule 26(f) Joint Case Management Report that follows.

1. Parties Attending: Sean A. Woods on behalf of Plaintiff and Kira N. Barette on behalf of Defendants attended the Rule 26(f) meeting and assisted in developing the Joint Case Management Report.

2. List of Parties: Plaintiff Joseph Grace, Defendant Jose De la Torre and Sandy Ruiz.

1 **3. Service and Appearance:** All Defendants have been served and have
2 answered.

3 **4. Additional Parties:** None of the existing parties presently anticipate adding
4 additional parties to the case or otherwise amending the pleadings.
5

6 **5. Parties Not Subject to Jurisdiction:** Each party is subject to this Court's
7 jurisdiction.
8

9 **6. Subject Matter Jurisdiction:** This Court has subject matter jurisdiction over
10 this action due to diversity jurisdiction, first because complete diversity exists between the
11 parties. At all times relevant to this action, Plaintiff was a resident and citizen of Arizona.
12 *See* Complaint, ¶ 1. Defendants, by contrast, are citizens of California. *See id.* ¶¶ 2-3.
13 Complete diversity therefore exists between the Parties as required by § 1332(a)(1).
14

15 Second, the amount in controversy exceeds \$75,000.00. Plaintiff's Complaint
16 alleges \$98,557.50 in past medical specials, future medical specials that may exceed
17 \$100,000, and lost wages of at least \$37,575. *Id.* ¶¶ 14-16. The amount in controversy
18 therefore exceeds \$75,000 as required by § 1332(a).
19

20 Accordingly, this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§
21 1332, 1441.

22 **7. Nature of the Case:**

23 Plaintiff's Description
24

25 This case involves an automobile collision that occurred on January 16, 2023.
26 Plaintiff was driving northbound on Sarival Avenue in Glendale, Arizona approaching the
27 intersection with Bethany Home Road. There is no stop sign on northbound Sarival
28

1 Avenue at that intersection. At the same time, Defendant Jose De la Torre (“Defendant
2 Jose”) was driving eastbound on Bethany Home Road approaching the same intersection.
3 There *is* a stop sign on eastbound Bethany Home Road at that intersection.
4

5 After moving forward past the stop sign, Defendant Jose’s vehicle entered the
6 intersection travelling eastbound. At the same time, Plaintiff’s vehicle was in, or rapidly
7 approaching, the intersection. Defendant Jose failed to keep a proper lookout and failed to
8 yield to Plaintiff’s Vehicle, and as a result collided with it (“the Collision”). Defendant
9 Jose was cited at the scene by police for failure to yield the right of way to Plaintiff’s
10 Vehicle.
11

12 As a direct and proximate result of the Collision, Plaintiff sustained extensive and
13 severe physical injuries which required medical treatment costing no less than \$98,557.50.
14 Additionally, he anticipates needing future medical care, the full cost of which may range
15 from the tens of thousands to more than \$100,000.00. Moreover, Plaintiff has been unable
16 to fully perform his occupational duties as a horse trainer, resulting in no less than
17 \$37,575.00 in lost wages since the Collision, or \$18,787.50 per year.
18

19
20 Plaintiff now brings claims against Defendants for negligence and negligence per
21 se.

22 Defendants’ Description

23 Defendant De La Torre and Plaintiff were involved in a collision at the intersection
24 of Bethany Home Road and Sarival Avenue on January 16, 2023. On the date of the
25 collision, the weather was raining and overcast. Defendant De La Torre does not recall
26 observing Plaintiff’s vehicle prior to the collision and upon information and belief, Plaintiff
27
28

1 failed to have his lights on and/or was distracted by his cell phone prior to the collision.
2 Defendants deny liability and contest the nature and extent of injuries and damages claimed
3 by Plaintiff.
4

5 **8. Contemplated Motions:** At present, Plaintiff is not contemplating the filing
6 of any motions. Defendants anticipate filing a motion for partial summary judgment
7 regarding punitive damages. Defendants may identify additional motions or causes of
8 action appropriate for summary judgment as discovery progresses and reserve their right
9 to expand on this if the evidence and law support such motions.
10

11 **9. Prospects for Settlement:** The parties anticipate private mediation as
12 opposed to the need for a Magistrate Judge for the purposes of a settlement conference.
13

14 **10. Related Cases:** The parties are unaware of any related cases pending before
15 this or any other court.

16 **11. ESI:** The parties anticipate that disclosure and discovery in this action will
17 largely involve electronically stored information (“ESI”), which will largely be exchanged
18 between them in .pdf format.
19

20 **12. Privilege:** At present, the parties do not anticipate any issues arising
21 regarding claims of privilege or work product.

22 **13. Discovery:**

23 a. Anticipated Discovery: Plaintiff anticipates seeking discovery
24 relating to topics including but not necessarily limited to the police investigation of the
25 Collision and Defendant Jose’s driving history, distractions or interference at the time of
26 the Collision, information recorded by his vehicle relating to the Collision.
27
28

Defendants anticipate seeking discovery relating to topics including but not limited to Plaintiff's pre- and post-accident injuries, possible seatbelt malfunction in Plaintiff's vehicle, and Plaintiff's post-accident activities.

b. Suggested Rule Changes: At present, the parties do not anticipate the need for any changes to the discovery limitations proscribed in the Federal Rules of Civil Procedure.

c. Deposition Time Limits: The parties propose that each deposition be limited to 4 hours, and that the total time for all depositions conducted by each side be limited to 28 hours.

14. Proposed Deadlines: The parties propose that:

a. **May 30, 2026** be the last day to complete fact discovery and serve pretrial disclosures;

b. **February 28, 2026** be the last day for Plaintiff to serve full and complete expert disclosures, **March 31, 2026** be the last day for Defendants to serve full and complete expert disclosures, and **April 30, 2026** be the last day for the parties to serve rebuttal expert disclosures;

c. **June 30, 2026** be the last day to complete expert depositions;

d. **January 31, 2026** be the last day to notice Rule 35 physical or mental examinations;

e. **July 30, 2026** be the last day to file dispositive motions;

f. No case-specific deadlines need be set;

1 g. **June 30, 2026** be the last day to engage in face-to-face good faith
2 settlement talks;

3 h. Plaintiff has requested, and Defendants do not contest, a jury trial for
4 all issues so triable;

5 i. No other matters exist that would aid the Court and parties in resolving
6 this case in a just, speedy, and inexpensive manner.
7

8 **15. Case Management Conference:** The parties do not believe that a case
9 management conference is needed.
10

11 **RESPECTFULLY SUBMITTED** this 7th day of August 2025.

12 **MILLS + WOODS LAW, PLLC**

13
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27
28

CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2025, I electronically transmitted the foregoing document to the Clerk's Office using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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